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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,083	10/31/2003	Wesley Scott Ashton	ASHTON0009	9725
Wesley Scott A	7590 06/04/200 A shton	9	EXAM	IINER
8549 Black Foot Court			RODRIGUEZ, RUTH C	
Lorton, VA 22	:079		ART UNIT	PAPER NUMBER
			3677	
			MAIL DATE	DELIVERY MODE
			06/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Examiner-Initiated Interview Summary	10/697,083	ASHTON, WESLEY SCOTT				
Examiner-initiated interview Summary	Examiner	Art Unit				
	RUTH C. RODRIGUEZ	3677				
All Participants: Status of Application:						
(1) <u>WESLEY ASHTON, APPLICANT</u> . (3) <u>ROBERT SANDY, PTO</u> .						
(2) <u>RUTH C. RODRIGUEZ, PTO</u> .	(4)					
Date of Interview: 1 June 2009	Time:					
Type of Interview: ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative) Exhibit Shown or Demonstrated: ☐ Yes If Yes, provide a brief description: ☐ No						
Part I.						
Rejection(s) discussed: Of record						
Claims discussed: 21,31,36 AND 37						
Prior art documents discussed: Of record and Black (US 4,056,951)						
Part II. SUBSTANCE OF INTERVIEW DESCRIBING THE GEN See Continuation Sheet	ERAL NATURE OF WHAT WAS	S DISCUSSED:				
Part III.						
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability. It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above. 						
/Robert J. Sandy/ Primary Examiner, Art Unit 3677	(Applicant/Applicant's Representat	ive Signature – if appropriate)				

Application No. 10/697,083

Continuation of Substance of Interview including description of the general nature of what was discussed. The Applicant started the interview by discussing how his invention worked. He indicated that the new limitation that was added to claims 21 and 31 is directed to point out that the dissolved substance needs to flow freely from the means for dispensing. In the case of claims 36 and 37, the Applicant further defined that the bar is solid without any cavities in accordance with the dictionary definition. The Applicant further argued that the case In re Newl, 31 U.S.P.Q. 2d supports his position that his claims are allowable because the rejection applies inherency under a 35 USC 103 rejection for the limitation "the substance is dipensed into the wearer's mouth by dissolving the substancevover tim in the wearer's saliva". The examiners indicated that claims 21 and 31 could still be rejected by using the current rejection. Additionally, the examiners indicated that claims 21 and 31 could be allowable if the end members were defined as being rigid and defining that the bar has opening therethrough if these limitations have support in the specifications. Regarding to In re Newel, the examiners indicated that these arguments will be examined in more detailed and that the next office action should address this issue.